IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 30TH JANUARY 2007 / 10TH MAGHA 1928

WP(C).No. 33965 of 2006(R)

PETITIONER:

T.KANNAN, S/O.THANKAPPAN NADAR,
AGED 34 YEARS, KANNAN ENTERPRISES,
KADAPPAKKADA, KOLLAM-8.

BY ADV. SRI.SIBI THOMAS JACOB

RESPONDENTS:
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1. THE SUPERINTENDENT OF POLICE, KOLLAM.

2. THE SUB INSPECTOR OF POLICE,CHATHANOOR.

3. KARTHIKEYAN, MEMBER, CITU,
ADICHANALLOOR, KOLLAM.

4. DINKU, MEMBER, UTUC, ADICHANALLOOR, KOLLAM.

5. SHIHABUDEEN, THADAVILAPUTHENVEEDU,
KILIKOLLOOR, TKMC P.O., KOLLAM.

ADDL. 6. DISTRICT LABOUR OFFICER, OFFICE OF THE LABOUR OFFICER,
KOLLAM.

(ADDL.R6 IS IMPLEADED AS PER ORDER DATED 3.1.2007 IN I.A.NO.9/2007)

R1, R2 & R6 BY G.P.SRI.P.A.SALIM
BY ADV. SRI.MANU SOLOMAN FOR R3
SRI.C.UNNIKRISHNAN (KOLLAM)
SRI.S.HARIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE PROCESSING AGREEMENT DATED 20/6/2006 ENTERED INTO BETWEEN THE PETITIONER AND THE 5TH RESPONDENT.

// TRUE COPY //

TKS

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C)No.33965 OF 2006

Dated 30th January, 2007

JUDGMENT

Koshy,J.

This is a petition for police protection. Petitioner had entered into a contract with the fifth respondent for processing of cashews. It is the case of the petitioner that workers are disrupting the removal of nuts entrusted and vehicles are not even allowed to enter in the factory. Counsel for respondents 3 and 4 submitted that huge amounts are due as arrears of wages from the fifth respondent and if the nuts are allowed to be removed, they will not be able to get the above money. The fifth respondent submitted that processing charges are yet to be paid to him. It is an admitted fact that the petitioner is only entrusted with processing of nuts. So, at the maximum liability of the petitioner is to pay for that period. According to the petitioner, labour charges for that period will be only Rs.1.75 lakhs. There may be dues as for hiring the factory and pay due to fifth respondent etc.. Therefore, if the petitioner deposits Rs.2,00,000/= before the District Labour Officer, the sixth respondent, petitioner shall be entitled to remove the nuts provided, he gets clearance from the fifth respondent. If there is

any dispute between the petitioner and fifth respondent, he has to get orders from the civil court. If Rs.2,00,000/= is deposited and clearance is obtained from the fifth respondent, police shall give adequate protection for removal of the nuts from the factory of the fifth respondent. With regard to the claims of the workers and unions, petitions are pending before the Labour Officer. Appropriate action should be taken in the above petitions and right of the workers and unions over the fifth respondent will remain intact notwithstanding the deposit. From the deposited amount, the Labour Officer shall release proportionate amount to the workers concerned depending upon the amounts due to them.

The writ petition is disposed of accordingly.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

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